

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44559 of 2016

Arising Out of PS.Case No. -179 Year- 2012 Thana -KAHALGAON District- BHAGALPUR

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Birendra Kumar Singh, son of Jyotish Prasad Singh, Resident of Village-
Jathore Manjhgaon Patway, P.S.- Amarpur, Distt. Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Sharmila Devi, D/o Birbal Prasad Singh, wife of Birendra Kumar Singh,
Resident of Village-Shomnathpur, P.S.-Kahalgaon, Dist Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Sri Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

7 09-02-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks anticipatory bail in a case
instituted for the offence under Sections 498 A of the Indian Penal
Code and Section 34 of Dowry Prohibition Act.

It is alleged in the written report that informant was
married with the petitioner on 13.6.2012. She was ousted from her
matrimonial home for non fulfillment of demand of dowry.

It has been submitted that the petitioner is still ready
to keep the wife, but she has left the house just after seven days of
the marriage and is not ready to live with him.



Notices were sent to the opposite party No. 2 which was validly served but in spite of notice she has chosen not to appear before this Court personally or through her lawyer.

In such circumstances, the petitioner is directed to surrender before the court below within a period of four weeks from today and pray for regular bail along with an affidavit that he will keep his wife with full honour and care and in that event, the court below will enlarge the petitioner on provisional bail for a period of six months and issue notice to the opposite party No. 2 (wife) and try to reconcile the matter between the parties. If the court below succeeds in restoring conjugal relationship between husband and wife or the conjugal rights could not be restored on account of indifferent attitude of the wife or the wife does not appear before the court below even after issuance of notice, the provisional bail granted to the petitioner will be confirmed.

It is made clear that in the event the court below receives complaint from the wife against the husband of committing mental and physical torture with her during period of monitoring or the court finds that the husband is not keeping her properly or after appearance in the court, the wife is ready to go with her husband, but the husband is not ready to take the wife, the court below will be at liberty to pass appropriate order in



accordance with law and also would be at liberty to cancel the provisional bail granted to the petitioner, without taking into consideration the aforesaid observations of this Court.

With aforesaid observations, the application stands disposed off.

S.Ali/-

(Sanjay Priya, J)

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